

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73238

John A. Braun  
Jan G. Braun

1861 Circle Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 2, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 408B, failure to cease the use of the property as an illegal rooming/boarding house on residential property known as 1861 Circle Road, 21204.

On February 13, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,400.00 (five thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Jan Braun, Respondent, and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 4, 2010 to cease illegal conversion of dwelling, and to cease illegal rooming- and boarding-house. This Citation was issued on February 13, 2010.

B. Inspector Jeff Radcliffe testified that there are two houses on this large residential property. Respondents live in one house. The other house has been divided into two halves, and there are ten people living in it. Five young men live in the front portion, and another five adults live in the rear. Respondents do not have a Baltimore County Rental Housing License for this property, but they have started the process to obtain a license.

C. Respondent Jan Braun testified that there were two houses on the property when they purchased it, and the second house was already divided and rented. She testified that her husband is out of the country and she didn't know there were restrictions. They will do whatever is required by law. The second house is historic and was used by the Baltimore Symphony as the fundraiser Show House.

D. Baltimore County's zoning regulations restrict the number of unrelated adults who can occupy a house for compensation. Because this is not the owner's domicile, the house can only be occupied by two unrelated adults absent a permit for a boarding- or rooming-house. BCZR Section 101.1; Section 408B. There is no evidence that County permits have been obtained to convert the house into a multi-family house with multiple apartments. Therefore, based on the evidence presented, an illegal boardinghouse with more than two tenants has been operating at this location.

E. Property tax records show that at least one of the houses on this property was constructed in 1896. Based on the evidence presented, it is possible that Respondents will be able to convert the second house into a multi-family residence while following County zoning and permit requirements. Respondent Braun testified that the house was already divided and rented when they purchased the property, so it appears this is a long-standing use for the second house. There is no evidence of police calls for service or other neighborhood disruptions from the current tenants of the property. This order will therefore give Respondents an extension of time to explore their options and to apply for County permits as needed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 1, 2010, either by obtaining required permits for apartment conversion or rooming-boarding house, or by reducing the number of tenants in the property to the number permitted by zoning regulations.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26<sup>th</sup> day of April 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.